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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/354,870	07/16/1999	ROBERT D. WILSON	BL01134-012	5681

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EXAMINER

FISCHETTI, JOSEPH A

ART UNIT

PAPER NUMBER

3627

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/354,870

Applicant(s)

WILSON ET AL.

Examiner

Joseph A. Fischetti

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15, 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Responsive to Applicant's RCE filed 4/12/02 the following action is issued:

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. In claim 1, Applicant recites a tax return without specifying whether it is in electronic form or not .

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15, 17-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, Applicant recites a tax return without specifying whether it is in electronic form or not. In claim 17 there is nothing patentable about obtaining data from a governmental body. In claim 2, it is not understood what an e-wallet is.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longfield.

Longfield '523 discloses completing a tax return for the filer, establishing a refund for the return; assigning a portion of the refund to an authorized credit institution or a spending vehicle provider (the loan established causes the refund to be returned not to the taxpayer but to the institution(see abstract) and therefore such a transaction can only be accomplished by an assignment). A credit institution is a spending vehicle provider because it is in the business of lending money which ultimately leads to spending by the person who obtains the loan.

Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longfield in view of Hagemier.

Longfield '523 discloses completing a tax return for the filer, establishing a refund for the return; assigning a portion of the refund to an authorized credit institution or a spending vehicle provider (the loan established causes the refund to be returned not to the taxpayer but to the institution(see abstract) and therefore such a transaction can only be accomplished by an

assignment). A credit institution is a spending vehicle provider because it is in the business of lending money which ultimately leads to spending by the person who obtains the loan.

However, the credit institution or the spending vehicle provider in Longfield does not strictly have a spending vehicle (i.e. a credit card type vehicle) as part of its system.

Hagemier does disclose combining a spending vehicle, i.e. credit card, with a tax crediting vehicle so that the credit obtained from the taxing system can be used toward purchases of products using the credit card. It would be obvious to modify the system and method in Longfield to include the spending vehicle of Hagemier because an authorized credit institution usually also issue credit cards as part of their services to customers and this would simplify the buying process for the tax payer by using the credit card of the credit institution to which the refund has been applied.

Regarding the new language in independent claims 1 and 11 of "providing a spending vehicle independent of a bank loan agreement", it is not seen how this broad language is meritorious of the disproportionate weight which applicant is advancing in his arguments. At best the language is viewed as a negative limitation and can not be seen to add any patentable weight to the claims because where or not an agreement is or is not in place a spending vehicle is still in provided and answers the claim language.

Re claim 15, to award an individual more than the amount of the return is simply an old expedient in the art of marketing to induce people to use the system.

Re claim 6: the use of the refund to pay the preparer is known and would be considered part of the loan provided by the Longfield system.

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The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication should be directed to Joseph A. Fischetti at telephone number (703) 305-0731.

A handwritten signature in black ink, appearing to read "J A Fischetti", is written diagonally across the page.